



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/530,487

10/19/2005

Claudio Lacagnina

07040.0216-00000

4964

22852

7590

05/28/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

05/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,487	<b>Applicant(s)</b> LACAGNINA, CLAUDIO	
	<b>Examiner</b> Geoffrey L. Knable	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-61 and 63-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1791

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 34-61 and 63-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 34, lines 14-16, it is not clear if both applying the tread and the pair of sidewalls are required to be carried out on both/each of the first and second drums. In other words, it is not clear if this language reads on simply applying the sidewalls to a first drum and applying the tread to a second drum (rather than applying both to each of the drums). It would seem from the original disclosure that the intent is to require that all the steps be practiced on each of the drums (e.g. note page 20, lines 11+ of the specification) but clarification is required. An analogous ambiguity is present in claim 48.

An analogous ambiguity is also presented by the last three lines of claim 54 as amended. In particular, it is not clear if this language requires that each of the drums can interact with all of the carcass disposing devices, the tread applying unit and the sidewall applying unit. In other words, it is not clear if this language reads on for example a first drum that can interact with a carcass disposing device and sidewall applying unit (much as a first stage assembly drum in typical two stage tire building) and a second drum that can interact with a unit for applying a tread band (much as a second stage drum in typical two stage tire building). It would again seem that the intent is that

Art Unit: 1791

this language does not read on simply typical two stage building but rather that each of the first and second drums interacts with all the unit/devices but clarification is required.

3. Claims 34-42, 48-56, 61 and 63-66 are rejected under 35 U.S.C. 103(a) as obvious over Ogawa et al. (US 2002/0088529) taken in view of at least one of [Crombie (US 4,753,707 - newly cited) and Stokes et al. (US 6,139,668 - newly cited)].

Ogawa et al. is applied for substantially the same reason as set forth in the last office action. As to the new requirement in claim 34 for applying the tread and sidewalls cyclically at a controlled rate on a first and second drum, if read to require that both tread and sidewalls are applied on each of the two drums (as apparently intended), then this would not read on simply typical two stage tire building. It however is well known in tire building to provide two building/shaping drums that are cyclically exchanged between positions to enable the building/shaping of two tires to be effected simultaneously - Crombie (note drums 74/75) and Stokes et al. (note esp. drums 58/60) are exemplary. The productivity advantages would have been readily apparent. To effect the building/shaping in Ogawa et al. using a pair of drums that are cyclically exchanged between positions would therefore have been an obvious expedient to enhance overall building/shaping productivity. Given that the goal is to perform building/shaping steps simultaneously, it would have been understood that disposing the carcass on one drum would or certainly should occur before completion of the steps on the other drum.

As to claim 54 as amended, for the same reasons noted above, building/shaping a tire using a pair of drums, each being adapted to sequentially build a complete tire,

Art Unit: 1791

would have been obvious. Each of the drums would or certainly should have been separately actuated (e.g. separately rotatable, etc.).

4. Claims 43-47, 57, 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 2002/0088529) taken in view of at least one of [Crombie (US 4,753,707 - newly cited) and Stokes et al. (US 6,139,668 - newly cited)] as applied above, and further in view of at least one of [Caretta et al. (US 2001/0042586) and Oku et al. (US 2006/0096696)] as applied in the last office action.

5. Claims 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 2002/0088529) taken in view of at least one of [Crombie (US 4,753,707 - newly cited) and Stokes et al. (US 6,139,668 - newly cited)] as applied above, and further in view of Okada et al. (US 2001/0002608) as applied in the last office action.

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. In particular, newly cited Crombie and Stokes et al. have been applied to establish that in this art, it is well known to build/shape tires cyclically on two different drums to enhance productivity. To effect the sidewall and tread winding steps cyclically (and of course sequentially) on two different drums would therefore have been obvious. This office action has not however been made final as the new grounds of rejection, and especially the new 35 USC 112 rejection, was not clearly necessitated by the amendments to the claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

Art Unit: 1791

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
May 26, 2009